

REMARKS

Prior to entry of this amendment, claims 1-18 are pending in the subject application. Claims 17 and 18 have been amended. Claims 19-20 have been added.

Applicants note with appreciation the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further note with appreciation the Examiner's acceptance of the drawings filed on November 6, 2003.

Applicants further appreciate the Examiner's consideration of applicants' Information Disclosure Statements, filed on June 7, 2004 and May 18, 2006.

Claims 1-20 are presented to the Examiner for further or initial consideration on the merits. Claims 1 and 10 are independent.

A. Introduction

In the outstanding Office action, the Examiner rejected claims 1, 4-10 and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,058,076 to Jiang ("the Jiang reference"); rejected claims 2, 3, 11-14, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Jiang reference in view of U.S. Patent No. 6,560,217 to Peirce et al. ("the Peirce et al. reference"); rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over the Jiang reference in view of the U.S. Patent No. 7,042,988 to Juitt et al. ("the Juitt et al. reference"); and objected to claims 17 and 18 as being substantial duplicates of claims 13 and 14, respectively.

B. Asserted Anticipation Rejection of Claims 1, 4-10 and 15

In the outstanding Office action, the Examiner rejected claims 1, 4-10 and 15 under 35 U.S.C. § 102(e) as being anticipated by the Jiang reference. This rejection is respectively traversed for at least the reasons set forth below.

Claim 1 recites, in part, "a home agent (HA) located on the public Internet network" and "an authorization authentication accounting (AAA) server located on the public Internet

network.” This may be seen, for example, in FIG. 3 of the original specification, where all IP routers 22a to 22d communicate with the same HA 24 and AAA 25.

In contrast, in the Jiang reference, both the mobility management (MM) server 25 and the AAA server 5, relied on by the Examiner as the HA and the AAA, respectively, are **not** on the public internet network, but are rather associated with an individual router 15, as is clearly evident in FIG. 1 of the Jiang reference. It is therefore respectfully submitted that the Jiang reference fails to disclose or suggest the present invention as recited in claim 1.

Claim 10 recites, in part, “wherein the control information data and user data are separately processed and transmitted.” This may be seen, for example, in FIG. 3, in which the control information is encapsulated and transmitted, and FIG. 4, in which the user data is directly transmitted.

In contrast, while the Jiang reference may use an AAA server, there is no teaching or suggestion that this data is transmitted by the router 15 to the network or any differently than the information from the base station. In particular, the Jiang reference is directed to providing direct connectivity between base stations, i.e., without the use of a mobile switching center (MSC), and considers the gateway 30 to be an MSC. In other words, the network in the Jiang reference is a private, hierarchical network. In contrast, the present invention, as recited in claim 10, allows use of public network that supports separate communication paths. It is therefore respectfully submitted that the Jiang reference fails to disclose or suggest the present invention as recited in claim 10.

The remaining rejected claims depend from respective ones of claims 1 and 10, and are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

C. Asserted Obviousness Rejection of Claims 2, 3, 11-14, 17, and 18

In the outstanding Office action, the Examiner rejected claims 2, 3, 11-14, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Jiang reference in view of the Peirce

et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

First, it is respectfully submitted that the Peirce et al. reference fails to remedy the deficiencies noted above in the Jiang reference as applied to claims 1 and 10 above. Second, while the Peirce et al. reference may disclose a safe communication path, since the AAA server and the HA server of the Jiang reference are only on the private network, there is no motivation to use the safe communication path taught by the Peirce et al. reference.

Therefore, it is respectfully submitted that claims 2, 3, 11-14, 17, and 18 are allowable for at least the reasons their respective base claims are allowable, and it is respectfully requested that this rejection be withdrawn.

D. Asserted Obviousness Rejection of Claim 16

In the outstanding Office action, the Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over the Jiang reference in view of the Juitt et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

First, it is respectfully submitted that the Juitt et al. reference fails to remedy the deficiencies noted above in the Jiang reference as applied to claim 10. Second, while the Juitt et al. reference may disclose communication paths having different security levels, since the AAA server and the HA server of the Jiang reference are only on the private network, there is no motivation to use different security levels taught by the Juitt et al. reference.

Therefore, it is respectfully submitted that claim 16 is allowable for at least the reasons claim 10 is allowable, and it is respectfully requested that this rejection be withdrawn.

E. Objection to Claims 17 and 18

Claims 17 and 18 were objected to as being substantial duplicates of claims 13 and 14. Claims 17 and 18 have been amended to depend from claims 16 and 17, respectively.

Therefore, it is respectfully submitted that these claims are no longer substantial duplicates, and it is respectfully requested that this objection be withdrawn.

F. New Claims 19 and 20

Claims 19 and 20, depending from claims 10 and 19, respectively, have been added to recite further details of the present invention. These claims are believed to be allowable for at least the reasons claim 10 is believed to be allowable.

G. Conclusion

The remaining documents cited by the Examiner were not relied upon to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.


If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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PETITION and
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